

# United States District Court

WESTERN DISTRICT OF WASHINGTON

KEVIN JOSEPH SMITH

v.

ELDON VAIL

JUDGMENT IN A CIVIL CASE

CASE NUMBER: C10-5614RJB/JRC

\_\_\_ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

XX **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE COURT HAS ORDERED THAT

the Court **ADOPTS** the Report and Recommendation (Dkt. 23). This action is **DISMISSED WITH PREJUDICE** for failure to state a claim. The dismissal counts as a strike pursuant to 29 U.S.C. 1915(g). Plaintiff's *in forma pauperis* status is revoked for appeal pursuant to 28 U.S.C. 1915(A)(3).

January 5, 2011  
Date

WILLIAM M. McCOOL  
Clerk

s/CM Gonzalez  
Deputy Clerk